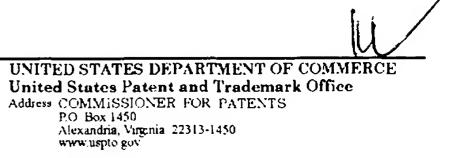


United States Patent and Trademark Office



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/014,992 12/11/2001		Takeaki Shimanouchi	2500.66054	3379
75	90 09/04/2003			
Patrick G. Burns, Esq. GREER, BURNS, CRAIN, LTD. Suite 2500			EXAMINER	
			TAMAI, KARL I	
300 South Wacker Dr. Chicago, IL 60606			ART UNIT	PAPER NUMBER
ogo, 12			2834	

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

.5. 13	T	1				
	Application No.	Applicant(s)				
	10/014,992	SHIMANOUCHI, TAKEAKI				
Office Action Summary	Examiner	Art Unit				
	Tamai IE Karl	2834				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period was - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a reply within the statutory minimum of thirty (30 vill apply and will expire SIX (6) MONTHS, cause the application to become ABAND	be timely filed) days will be considered timely. from the mailing date of this communication. ONED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on	·					
2a) This action is FINAL . 2b) This	is action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) <u>1-9</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed.						
6) Claim(s) is/are allowed.						
7) Claim(s) is/are rejected. 7) Claim(s) is/are objected to.						
8) Claim(s) 1-9 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on		pproved by the Examiner.				
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language pro						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Infor	mary (PTO-413) Paper No(s) mal Patent Application (PTO-152)				

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Art Unit: 2834

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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - 1. Claims 1-6, drawn to an actuator, classified in class 310, subclass 309.
 - Claims 7-9, drawn to a method of making an actuator, classified in class
 438, subclass 67.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Groups I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the apparatus can be made from a different process, such as: etching the electrodes and depositing the insulating material between the electrodes; and the method can be used to make other products like capacitor sensors.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the method steps of forming a void, filling with insulation and carving electrodes search

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* , , ` ... '* *

required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai PRIMARY PATENT EXAMINER September 2, 2003 CONTRACT EXAMINED ORINARY EXAMINED